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March 1, 2024

Via ecf

The Honorable Claire C. Cecchi, U.S.D.J.
United States District Court
50 Walnut Street,
Newark, New Jersey 07102

**RE: Vala, LLC v. Metro PCS New York, LLC, et als.
Docket No: 2:22-cv-07332
Settlement Conference May 6, 2024**

Dear Judge Cecchi:

We represent plaintiff in the above matter. Plaintiff objects to defendants' request (Document Number 43) that the Court reverse its November 8, 2023 decision (Document Number 33) administratively terminating defendants' 12(b)(6) motion. The parties and related entities' business relationship dates back to 2003. Apart from the lease which is the subject of this action, defendants are seeking an extension of a separate lease for cellular communications equipment installed on plaintiff's building until 2043.

The parties engaged in a lengthy settlement conference before the Honorable Cathy L. Waldor, U.S.M.J. on February 26th. Although we did not settle the case, sufficient progress was made such that Judge Waldor scheduled another conference for May 6th, and has directed that persons with settlement authority be present in Court.

Moreover, contrary to defendants' argument, a resolution of the motion in favor of either party will not impact further settlement discussions. Since defendants did not seek to dismiss the trespass claim, the motion will not resolve the case, and regardless of the motion decision, plaintiff's damages are essentially the same.

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Plaintiff requests that the Court not reverse its administrative termination of defendants' motion to dismiss. Thank you.

Respectfully submitted,
Kevin J. Russell, Esq., LLC

By:


Kevin J. Russell

KJR:pm

Cc: Honorable Cathy L. Waldor, U.S.M.J. (via ecf)
Donald W. Kiel, Esq. (via ecf)

The Court has reviewed the parties' letters (ECF Nos. 43, 44) concerning Defendants' motion to dismiss (ECF No. 5). Given that a subsequent settlement conference is currently scheduled for May 6, 2024, Defendants' motion to dismiss shall remain administratively terminated. To the extent the matter is not resolved, Defendants' motion to dismiss (ECF No. 5) shall be deemed reinstated. SO ORDERED.

s/ Claire C. Cecchi

CLAIRES C. CECCHI, U.S.D.J.

Date: March 6, 2024